

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th5b

June 30, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Steve Monowitz, Coastal Planner

**SUBJECT: SAN LUIS OBISPO COUNTY LCP AMENDMENT NO. SLO-MAJ-1-03
CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of San Luis Obispo County accepting the Commission's certification of LCP Amendment No. SLO-MAJ-1-03 is legally adequate. For Commission review at the meeting of July 15, 2004 in Costa Mesa.

A. BACKGROUND

The Commission acted on San Luis Obispo County Amendment No. SLO-MAJ-1-03 on February 20, 2004. The amendment includes the following components:

1. Amend portions of Title 23 of the Implementation Plan regarding Affordable Housing to recognize "owner builder" units as a type of affordable housing.
2. Supplement and revise the Land Use Plan (LUP) and Implementation Plan (IP) to carry out the County's Phase 1 response to the Coastal Commission Periodic Review of the San Luis Obispo County Local Coastal Program.
3. Update permitting, appeals, and noticing procedures by resubmitting amendments previously considered by the Commission in August 2002 (SLO LCPA 1-01 Part B, Procedures and Miscellaneous changes).

The Commission rejected the amendment as submitted but certified the proposed amendment if modified to:

- Delete the statement that comprehensive access planning is not required in agricultural areas.
- Qualify the statement that hard ocean bottom configurations are conducive to laying trans-Pacific cable lines with an acknowledgement that although such geography may be preferred by the industry, hard ocean bottom configurations are sensitive habitat areas to be avoided.



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Staff: SM Approved by:

- Clarify that the range of project alternatives to be considered when new development is proposed within or adjacent to environmentally sensitive habitat areas is not limited to those identified by the applicant.
- Require implementation of project alternatives that avoid impacts to ESHA, and minimize such impacts when avoidance is not possible.
- Remove the proposed exemption of new agricultural roads from the requirement to avoid sensitive habitat areas.
- Restore language from the initial Phase 1 package that requires new or improved roads to avoid ESHA where less-environmentally damaging alternatives are available, and to mitigate the impacts of such crossing where they cannot be avoided.
- Limit the proposed exemption of agricultural activities from riparian setback standards to nonstructural agricultural developments that incorporate best management practices¹.
- Require all development (not just residential and commercial) to implement Best Management Practices to protect coastal water quality.
- Clarify the timing of the proposed changes to the existing drainage ordinance in relationship to the more comprehensive update of ordinance that is currently pending as LCP Amendment 1-01 Part C.
- Delete the proposed new objective for Sensitive Resource Areas that states that preservation of scenic resources shall be balanced with the implementation of safety related improvements.
- Require public access dedications, easements, and deed restrictions to include legal descriptions of the access area and the affected properties.

B. EFFECTIVE CERTIFICATION

On April 20, 2004, San Luis Obispo County held a public hearing and adopted Resolution No. 2004-119, which acknowledged receipt of the Commission's resolution of certification and accepted and agreed to the Coastal Commission's modifications (see Exhibit A). The County conducted an additional public hearing on June 22, 2004, and adopted Resolution 2004-205, which modified Resolution 2004-119 to clarify that the County accepted and agreed to *all* of the Coastal Commission modifications, including the modifications contained in the staff report addendum that were inadvertently left out from the previous resolution (see Exhibit B).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that San Luis Obispo County's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of San Luis Obispo County LCP

¹ This exemption is currently provided by LUP ESHA Policy 26



Amendment No. SLO-MAJ-1-03 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of San Luis Obispo County accepting the Commission's certification of San Luis Obispo County LCP Amendment No. SLO-MAJ-1-03 is legally adequate, as noted in the attached letter (Exhibit C), to be sent after Commission concurrence.

